

conducted by the TEP, or by the Contracting Officer and the Project Officer. Based on input from the Project Officer, the Contracting Officer has the discretion of assigning this responsibility to the TEP or to the Contracting Officer and Project Officer.

(d) *Business Evaluation Panel (BEP)*.

(1) Outside of the technical review, the Contracts Office has the lead for reviewing solicitation evaluation criteria and the Statement of Work from a business perspective; evaluating the business, pricing, and contractual aspects of the offerors' business and technical proposals; and examining other factors such as the responsibility of the offerors. Based on the recommendation of the Contracting Officer, the SSO has the discretion to designate these responsibilities to the Contracting Officer or designating a BEP. Sections 1515.612(a)(1) (vi) and (vii) are applicable only when the SSO has designated a BEP.

(2) When no BEP is convened, the Contracting Officer shall perform a preliminary cost evaluation of each offeror's cost/price proposal to identify any cost elements that appear unreasonable or questionable. When cost analysis is employed, the Contracting Officer shall perform a detailed cost analysis of the business proposal which includes an evaluation of the offeror's subcontracting program, management structure, and any other relevant factors which may prevent award to an offeror. This analysis may be included in a separate report, in the competitive range determination, or in the pre/post-negotiation memorandum.

[49 FR 8843, Mar. 8, 1984, as amended at 55 FR 24579, June 18, 1990; 59 FR 18976, Apr. 21, 1994; 61 FR 47065, Sept. 6, 1996]

1515.604-70 Personal conflicts of interests.

(a) Only regular or special Government employees of EPA as defined in 40 CFR 3.102, or where appropriate, other Federal Government agencies, may participate in the evaluation and selection process. In the event an outside evaluation is to be obtained, non-Government employees may participate only if the procedures in FAR 15.413-2(f) and 1515.413 are followed.

(b) Each EPA employee (including special employees) engaged in source evaluation and selection is required to be familiar with the provisions of 40 CFR part 3 regarding personal conflicts of interests. The employee shall inform the Source Selection Official in writing if his/her participation in the source evaluation and selection process could be interpreted as a possible or apparent conflict of interest. The SSO shall relieve any EPA employee who has a conflict of interest of further duties in connection with the evaluation and selection process.

(c) Each EPA employee (including special employees (as defined by 1503.600-71 (b)) involved in source evaluation and selection is required to comply with the Office of Government Ethics ethics provisions at 5 CFR Part 2635.

[49 FR 8843, Mar. 8, 1984, as amended at 53 FR 38293, Sept. 30, 1988; 61 FR 47066, Sept. 6, 1996]

1515.605 Evaluation factors.

The evaluation factors that will be considered in making the source selection and their relative importance shall be included in "Part IV, Section M, Evaluation Factors for Award," in each solicitation.

(a) The Contracting Officer shall insert the provisions at 1552.215-70, "EPA Source Evaluation and Selection Procedures—Negotiated Procurement" and either: the provision in 1552.215-71, "Evaluation Factors for Award," where all evaluation factors other than cost or price when combined are significantly more important than cost or price; or the provision in Alternate I to 1552.215-71, where all evaluation factors other than cost or price when combined are significantly less important than cost or price; or the provision in Alternate II to 1552.215-71, where award will be made to the offeror with the lowest-evaluated cost or price whose technical proposal meets the minimum needs of the Government; or the provision in Alternate III where all evaluation factors other than cost or price when combined are approximately equal to cost or price. The Contracting Officer may use provisions substantially the same as 1552.215-71, Alternate I to 1552.215-71, Alternate II to 1552.215-71, or Alternate

III to 1552.215–71 without requesting a deviation to the EPAAR.

(b) Technical evaluation criteria should be prepared in accordance with FAR 15.605 and inserted into paragraph (b) of the provision at 1552.215–71, Alternate I, and Alternate III. If technical evaluation criteria are used in Alternate II, the criteria should be prepared in accordance with FAR 15.605 and inserted into paragraph (b). When past performance is to be used as an evaluation factor, the Contracting Officer must develop criteria for evaluating past performance and include such criteria in section M of the solicitation.

(c) *Evaluation Methodologies.* Evaluation criteria may be developed using methodologies other than numerical scoring, e.g., adjectival ratings or color scoring. The relative importance of the evaluation criteria must be clearly identified in the solicitation. The Contracting Officer should identify and prepare evaluation criteria consistent with FAR 15.605.

[49 FR 8843, Mar. 8, 1984, as amended at 61 FR 47066, Sept. 6, 1996]

1515.608 Proposal evaluation.

(a) The initial technical evaluations of proposals shall be conducted in accordance with the following procedures.

(1) Technical proposals shall be evaluated *solely* on the factors specified in the solicitation and in accordance with FAR 15.608. Additionally, the evaluation of technical proposals (including past performance factors) shall be accomplished using the scoring plan shown below or one specifically developed for the solicitation. Contracting Officers may request that the TEP also indicate whether proposals are acceptable or unacceptable, and/or whether the offerors' response to individual criteria are acceptable or unacceptable.

SCORING PLAN

Value	Descriptive statement
0	The factor is not addressed, or is totally deficient and without merit.

SCORING PLAN—Continued

Value	Descriptive statement
1	The factor is addressed, but contains deficiencies and/or weaknesses that can be corrected only by major or significant changes to relevant portions of the proposal, or the factor is addressed so minimally or vaguely that there are widespread information gaps. In addition, because of the deficiencies, weaknesses, and/or information gaps, serious concerns exist on the part of the TEP about the offeror's ability to perform the required work.
2	Information related to the factor is incomplete, unclear, or indicates an inadequate approach to, or understanding of the factor. The TEP believes there is question as to whether the offeror would be able to perform satisfactorily.
3	The response to the factor is adequate. Overall, it meets the specifications and requirements, such that the TEP believes that the offeror could perform to meet the Government's minimum requirements.
4	The response to the factor is good with some superior features. Information provided is generally clear, and the approach is acceptable with the possibility of more than adequate performance.
5	The response to the factor is superior in most features.

(2) *Ranking.* The assignment of numerical scores to a technical proposal establishes the relative rank of that proposal with respect to those of other offerors. The use of pre-established cut-off scores to determine the competitive range or the source to be selected is prohibited. Each member of the TEP shall independently evaluate and score each offer. The TEP Chairperson shall develop a consensus opinion on the scores assigned to each offer. The averaging of individual TEP member's scores to arrive at an overall panel score is prohibited.

(3) The goal of the technical evaluation is to understand each offeror's proposal and to assess each proposal relative to the specified evaluation factors. The TEP report(s) should address any perceived strengths, as well as any perceived weaknesses or deficiencies, and risks associated with the offerors' performance. Scores may or may not change from the initial evaluation to the supplemental evaluation, depending on the offerors' response to interrogatories. The supplemental TEP report must explain the rationale for no change in score, as well as any decrease or increase in score as a result of the offerors' response to interrogatories.

(b) *Technical evaluation panel report of initial offers.* The TEP shall deliver